IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10362 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JIVABHAI N PATEL

Versus

DIST EDUCATION OFFICER

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Appearance:

MR AN PATEL for Petitioner

Ms. Manishaben Lavkumar, AGP for Respondent No. 1

RULE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 17/11/2000

ORAL JUDGEMENT

Learned advocate Mr. Patel for the petitioner and learned AGP Ms. Manishaben Lavkumar for the respondent authorities. This petition was admitted by

this court on 20.12.1996 by issuing rule thereon and it was made returnable on 21.1.1997.

Today, when the matter was taken up for final hearing, learned advocate for the petitioner Mr. Patel has pointed out that the grievance of the petitioner is that in pursuance of the resolution issued by the State of Gujarat in its Education Department dated 11th April, 1988, the petitioner is entitled to the benefit of four increments as the petitioner was appointed on 14th June, 1971 as a secondary teacher in the secondary school till 11th July, 1974. Thereafter, he joined from 12th July, 1974 in the PTC College. Therefore, according to the learned advocate Mr. Patel, said benefit is available to the petitioner and yet the same has not been extended to the petitioner by the respondent and, therefore, the respondents are required to be directed accordingly. He has submitted that the petitioner is retiring in the year 2002.Hehas, submitted that the respondents may be directed to consider the grievances of the petitioner. He has further submitted that the petitioner will make suitable representation in detail alongwith relevant records. Therefore, considering the facts and circumstances of the case and taking into consideration the fact that the respondents have not filed any reply so far since more than four years, some directions are required to be issued to the respondents.

Therefore, in the facts and circumstances of the case, the petitioner is directed to make detailed representation in respect of the grievances raised in the petition alongwith all the necessary documents annexed to the present petition within ten days from today. Taking into consideration the pendency of this petition before this court since last more than four years, the respondents are directed to consider and decide such representation that may be made by the petitioner in accordance with law and sympathetically within one month from the date of receipt of such representation made by the petitioner. It is further directed to the respondent authorities to communicate the decision that may be taken by the respondents on such representation.

With these directions and observations, this petition is disposed of with a liberty to the petitioner to revive this petition by filing mere note in the registry of this Court, in case, adverse orders are passed by the respondent authorities on the representation of the petitioner. Rule is accordingly discharged with no order as to costs.

17.11.2000.  (H.K. Rathod,J.)

Vyas